

Exhibit 10



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 155
Seattle, WA 98101-3188

October 8, 2020

REGIONAL
ADMINISTRATOR'S
DIVISION

Shane Jeffries, Forest Supervisor
Ochoco National Forest
3160 NE Third Street
Prineville, Oregon 97754

Dear Shane Jeffries:

The U.S. Environmental Protection Agency has reviewed the U.S. Forest Service's August 2020 Preliminary Environmental Assessment for Forest Management Direction for Large Diameter Trees in Eastern Oregon (EPA Region 10 Project Number 20-0044-AFS). Our review was conducted in accordance with our responsibilities under Section 309 of the Clean Air Act and the National Environmental Policy Act.

The Preliminary EA evaluates the potential environmental impacts associated with revising the 21-inch standard and proposes to replace this standard with a guideline that emphasizes recruitment of old trees and large trees where no old trees are present. Currently, the Forest Plan prohibits harvesting trees that are over the 21-inches at diameter breast height. For analysis of impacts from this amendment, the USFS considered a no action alternative (current management alternative) and three action alternatives: old and large tree guideline (proposed action), old tree standard, and adaptive management. The project area covers approximately 11.5 million acres and applies to the Umatilla, Wallowa-Whitman, Malheur, Ochoco, Deschutes, and Fremont-Winema National Forests. EPA supports USFS' goal of improving conditions that support old tree forests in the future. We recommend strengthening the following components in the Final EA: adaptive management and monitoring, water quality, cumulative effects, and climate change and wildfire effects.

Adaptive Management and Monitoring

We appreciate USFS's commitment to incorporate an adaptive management strategy consisting of monitoring, thresholds, and a provision to return to the 21-inch standard if the proposed plan is not returning anticipated results. We also appreciate that USFS is monitoring the results of implementing the current standard. EPA is interested in seeing more information about what USFS learned from monitoring the current standard and how this information informed the decision to develop the new guideline. EPA would also like to see a more robust discussion of how monitoring forest conditions would be carried forward under the proposed plan.

Recommendation: We recommend that the Final EA include more details on the results of USFS' current monitoring, how that informed the need for change, and how it will inform expectations of monitoring in the proposed action. In addition, the adaptive management and monitoring plan in the Final EA should include the following elements:

- Establish how old forest analysis will be done and how this analysis will inform monitoring priorities;
- Lay out monitoring questions that will be used to inform the adaptive management process;
- Discuss how forest-level monitoring information will be compiled and placed in a broader, regional context;

- Define how success will be measured;
- Ensure that management actions are consistent with forest and management direction and that they comply with applicable laws and policies;
- Provide information to determine whether management direction is being followed, whether desired results are being achieved, and whether underlying assumptions are valid;
- Include language about anticipated budget levels and availability of staff, and how the project would adapt to changes while still being protective of the environment;
- Be as specific as possible about who is the responsible decisionmaker at critical steps of the monitoring plan;
- Evaluate monitoring strategies periodically to determine if questions and protocols are still relevant and if changes are needed;
- Monitor changes in watershed condition; and
- Continue evaluating new science and technology to update monitoring strategies to improve quality and efficiency.

Water Quality

EPA commends USFS' commitment to adhere to the Pacific Anadromous Fish Strategy and the Inland Native Fish Strategy (commonly referred to as PACFISH/INFISH) to protect aquatic resources. In addition, EPA expects USFS to adhere to the most current water quality standards for streams within the planning area.¹

Cumulative Effects

The Preliminary EA states that "reasonably foreseeable future actions are expected to be similar to the past actions except for the pre-1994 targeting of large trees."² More information is needed to support this statement for more clarity on expected impacts of the proposed action.

Recommendation: We recommend that the Final EA provide more information to support the conclusion that the proposed action would not result in significant cumulative impacts:

- Identify and reference the past actions referred to so that the Final EA demonstrates how past actions have impacted identified resources, and how the proposed plan may contribute to the impact on those resources;
- List other approved projects that are underway in the planning area and explain their potential impacts; and
- We encourage the USFS to use EPA's guidance document, *Consideration of Cumulative Impacts in EPA Review of NEPA Documents*.³ The guidance states that in order to assess the adequacy of the cumulative impacts' assessment, five key areas should be considered:
 - Identifies resources, if any, that are being cumulatively impacted;
 - Determines the appropriate geographic area (within natural ecological boundaries) and the time period over which the effects have occurred and would occur;
 - Describes a benchmark or baseline;
 - Looks at all past, present, and reasonably foreseeable future actions that have affected, are affecting, or would affect resources of concern; and

¹ <https://www.oregon.gov/deq/wq/Pages/2012-Integrated-Report.aspx>

² Preliminary EA, p. 105.

³ <https://www.epa.gov/nepa/national-environmental-policy-act-policies-and-guidance>

- Includes scientifically defensible threshold levels.

Climate Change and Wildfire Effects

Effects to natural resources from climate change may include changes in hydrology, weather patterns, precipitation rates, chemical reaction rates, and susceptibility to fire and insect outbreaks. We appreciate the Preliminary EA noting that “restoring historical competition dynamics characterized by low basal area, low stand density, and a relatively higher proportion of shade intolerant species increases the resistance of stands to drought, insects, and fire disturbance effects associated with a warming climate trees are threatened by fire, insects, and drought.”⁴ In order to ensure this project effectively protects the long-term sustainability of forest resources with respect to fire, we believe that the EA would be strengthened by including a wildfire effects analysis.

Recommendation: Consistent with the guidance issued by the Forest Service in January 2009, we recommend the Final EA discuss the effect of climate change on the proposed project.⁵ We also recommend the following be considered for the wildfire effects analysis:

- Include a discussion of Fire Regime Condition Class;
- Describe how the proposed action will decrease the risk of undesirable wildfire in the short, medium, and long-term;
- Address the potential impacts of all alternatives (including no-action) for all resources; and
- Evaluate the risks of uncharacteristic disturbances, such as catastrophic wildfire, against the effects of active restoration designed to reduce those risks (e.g., water quality and wildlife effects).

Thank you for the opportunity to comment on this Preliminary EA. If you have questions about our review, please contact Caitlin Roesler of my staff at (206) 553-6518 or at roesler.caitlin@epa.gov, or you may contact me at (206) 553-6387 or by email at baca.andrew@epa.gov.

Sincerely,

Baca, Andrew

Andrew J. Baca
Director

Digitally signed by Baca, Andrew
Date: 2020.10.08 16:11:15
+0700

⁴ Preliminary EA, p. 7.

⁵ http://www.fs.fed.us/emc/nepa/climate_change/includes/cc_nepa_guidance.pdf